

FERNANDO CAMACHO,	)	
	)	
Plaintiff(s),	)	Case No. 2:14-cv-01874-RFB-VCF
	)	
vs.	)	REPORT & RECOMMENDATION
	)	
P & M HOLDINGS, LLC,	)	
	)	
Defendant(s).	)	
	)	

## I. BACKGROUND

<sup>1</sup>Adolfo Camacho, a non-party to this case, submitted a letter to the Court on May 28, 2015, requesting that the Court refrain from issuing sanctions against Plaintiff. Docket No. 27. However, this letter does not comply with the Court's order for Plaintiff to submit a written response as to why the Court should not issue sanctions upon him. *See* Docket No. 26.

1 to the Court no later than May 11, 2015. *Id.* Plaintiff did not submit an ENE statement, and the  
2 Court vacated the ENE session as result. Docket No. 24.

3 On May 11, 2015, the Court ordered the parties to file a stipulation, no later than May 18,  
4 2015, providing five mutually agreeable dates for an ENE Session. *Id.* On May 18, 2015, Defendant  
5 submitted a status report, indicating that Defendant's counsel sent Plaintiff a letter to his last known  
6 address requesting that Plaintiff contact Defendant's counsel to discuss the May11, 2015, order.  
7 Docket No. 25, at 2. Plaintiff did not submit dates for an ENE session, and did not respond to  
8 Defendant's communication attempts. *Id.*, at 2.

9 On May 22, 2015, the Court issued an order to show cause why Plaintiff should not be  
10 sanctioned, up to and including case-dispositive sanctions, for failing to comply with a Court order.  
11 Docket No. 22. Plaintiff's response to that order to show cause was due no later than June 5, 2015.  
12 *Id.*, at 1. Plaintiff failed to respond. *See* Docket.

## 13 **II. ANALYSIS**

14 As discussed in the previous section, Plaintiff has (1) disobeyed the Court's order to deliver  
15 his ENE statement to chambers no later than May 6, 2015 (Docket No. 8); (2) disobeyed the Court's  
16 order to deliver his ENE statement to chambers no later than May 11, 2015 (Docket No. 23); (3)  
17 disobeyed the Court's order to submit a stipulation providing five mutually agreeable dates for an  
18 ENE Session (Docket No. 24); and (4) disobeyed the Court's order to show cause by not responding  
19 (Docket No. 26).

20 The willful failure of Plaintiff to comply with the Court's orders is an abusive litigation  
21 practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the  
22 Court's timely management of its docket, wasted judicial resources, and threatened the integrity of  
23 the Court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are  
24 unavailable because Plaintiff has wilfully refused to comply with multiple court orders despite the  
25 warning that dismissal may result.

26 Accordingly, **IT IS RECOMMENDED** that Plaintiff's Complaint be **DISMISSED** without  
27 prejudice.

28 . . .

**NOTICE**

Pursuant to Local Rule IB 3-2 **any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within 14 days of service of this document.**

The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: June 9, 2015

  
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NANCY J. KOPPE  
United States Magistrate Judge